



June 4, 2012

Supreme Court Update

The Supreme Court issued rulings in two cases this morning.

- In the first case, *Armour v. City of Indianapolis*, the Court held that the Constitution allows a city to refuse to refund taxes some taxpayers paid up front, even if it forgave the remaining taxes of others paying on an installment plan.
- In the second case, *Reichle v. Howards*, the Court held that two Secret Service agents are entitled to qualified immunity from a lawsuit claiming they arrested a man in retaliation for his remarks about Vice President Cheney. The Court held that an arrest supported by probable cause could not give rise to a First Amendment violation.

On May 24 and 29, the Supreme Court decided the following cases:

- In *Freeman v. Quicken Loans*, the Court unanimously ruled that plaintiffs need to demonstrate that an unearned fee for mortgage loan settlement services was divided between two or more persons.
- In *Blueford v. Arkansas*, the Court held that the Double Jeopardy Clause did not prohibit prosecutors from re-trying a defendant on capital murder and first-degree murder charges when a jury previously failed to reach a verdict on a manslaughter charge.
- In *RadLAX Gateway Hotel, LLC v. Amalgamated Bank*, the Court ruled that in Chapter 11 bankruptcy proceedings a secured creditor does not have to set aside its lien interest when bidding for collateral of the debtor.

More decisions are expected to be announced this Thursday.

Supreme Court Decisions Remaining This Term

With today's decision, there are 14 cases yet to be decided this term. The Court has yet to determine the constitutionality of:

- The Affordable Care Act;
- The federal law criminalizing lies about military service and honors;
- The Federal Communications Commission's indecency standards;
- Arizona's efforts at cooperative law enforcement;
- The First Amendment rights of union employees.

Case Name		Date of Argument	Question for the Court
1.	First American Financial Corp. v. Edwards	November 28, 2011	Federal law allows homebuyers to sue banks and title companies when they pay kickbacks for the closing of a mortgage loan. This case will decide if such payments are constitutional where price or quality of the services provided is not affected.
2.	Williams v. Illinois	December 6, 2011	Whether the Confrontation Clause by allows an expert witness to testify about the results of DNA testing conducted by another analyst who has not appeared as a witness at the trial.
3.	FCC v. Fox	January 10, 2012	Whether the Federal Communications Commission's television indecency standards are unconstitutionally vague.
4.	Knox v. SEIU	January 10, 2012	Whether employees have the First Amendment right to decline payment of union dues used for political advocacy by the union.
5.	United States v. Alvarez	February 22, 2012	Whether a federal law criminalizing lies about receiving military medals or honors violates the First Amendment.
6.	Elgin v. Dep't of the Treasury	February 27, 2012	Whether a federal employee can challenge his firing as unconstitutional in federal district court.
7.	Southern Union Company v. United States	March 19, 2012	Whether the Fifth and Sixth Amendment principles established in <i>Apprendi</i> apply to the imposition of criminal fines.
8.	Miller v. Alabama/ Jackson v. Hobbs	March 20, 2012	Whether a sentence of life without parole for someone who was convicted of murder when he was fourteen violates the Constitution's prohibition on cruel and unusual punishment.
9.	U.S. Department of Health and Human Services v. Florida National	March 21, 2012	(1) Whether Congress has the power under the Constitution to require virtually all Americans to obtain health insurance or pay a penalty; and (2) whether the Anti-Injunction Act, which prohibits taxpayers from filing a lawsuit to challenge a tax until the tax goes into effect and they are required to pay it, prohibits a

	Federation of Independent Business v. Sebelius Florida v. Department of Health and Human Services		challenge to the Act's provision requiring virtually all Americans to obtain health insurance or pay a penalty until after the provision goes into effect in 2014.
10.	Christopher v. SmithKline Beecham Corp.	April 16, 2012	(1) Whether deference is owed to the Secretary of Labor's interpretation of the Fair Labor Standards Act's outside sales exemption and related regulations; and (2) whether the Fair Labor Standards Act's outside sales exemption applies to pharmaceutical sales representatives.
11.	Dorsey v. United States Hill v. United States	April 17, 2012	Whether the Fair Sentencing Act of 2010 applies to all defendants sentenced after its enactment.
12.	Salazar v. Ramah Navajo Chapter	April 18, 2012	This case will determine the reimbursement of Native American tribes receive from the federal government for taking over certain federal programs.
13.	Match-E-Be-Nash-She-Wish Band of Pottawatomí Indians v. Patchak Salazar v. Patchak	April 24, 2012	Whether the Quiet Title Act and its reservation of the United States' sovereign immunity in suits involving "trust or restricted Indian lands" apply to all suits concerning land in which the United States "claims an interest," or whether they apply only when the plaintiff claims title to the land.
14.	Arizona v. United States	April 25, 2012	Whether federal immigration laws preclude Arizona's efforts at cooperative law enforcement.